

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-683-MOC-DCK**

**DARLENE TALLEY, individually and as
guardian ad litem of Tanisha Williams,**

Plaintiff,

v.

**CITY OF CHARLOTTE; JOSEPH WHITE,
both individually and in his official capacity as
a law enforcement officer with the CMPD;
WAYNE GOODE III, both individually and in
his official capacity as a law enforcement
officer with the CMPD; and JOHN DOE, both
individually and in his official capacity as a
law enforcement officer for the CMPD,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on “Defendant City Of Charlotte’s Motion For Leave To Take Deposition And Other Discovery Of Marlene Knowles” (Document No. 81) filed June 1, 2016; and “Plaintiff’s Motion To Extend The Discovery Deadline And For Leave To Issue Subpoenas Duces Tecum” (Document No. 83) filed June 2, 2016. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and are ripe for disposition. Having carefully considered the motions and the record, the undersigned will deny the motions.

The undersigned observes that the most recent scheduling order in this case set the following deadlines: discovery – March 15, 2016; mediation – March 26, 2015; dispositive motions – April 19, 2016; and trial August 15, 2016. (Document No. 35). A mediation report (Document No. 48) was timely filed on March 25, 2016; and the parties timely filed their cross

motions for summary judgment (Document Nos. 58, 61, and 65) on April 19, 2016. On May 18, 2016, the Honorable Max O. Cogburn, Jr., issued an “Order” (Document No. 77) scheduling oral arguments on the motions for summary judgment.

After the pending motions for summary judgment were fully briefed, and more than two (2) months after the discovery deadline, Plaintiff and Defendant City of Charlotte filed their respective motions for additional discovery. (Document Nos. 81 and 83). Notably, the “...Case Management Plan” allows the parties to “consent to extensions of the discovery completion deadline so long as any such extension expires not later than ten (10) days prior to scheduled trial time.” (Document No. 16, p.3). However, it does not appear that the parties have been able to reach an agreement on their instant discovery requests.

Responses to the pending discovery motions were filed on June 20, 2016. (Document Nos. 85 and 86). Judge Cogburn held a motions hearing on June 23, 2016, and has taken the pending motions for summary judgment under advisement with an order to issue. On June 30, 2016, a “Reply Brief In Support Of Defendant City Of Charlotte’s Motion for Leave To Take Deposition And Other Discovery Of Marlene Knowles” (Document No. 87) was filed. To date, Plaintiff has not filed a reply brief in support of her motion to extend the discovery deadline and issue subpoena, or a notice of intent not to reply, as required by Local Rule 7.1 (E).

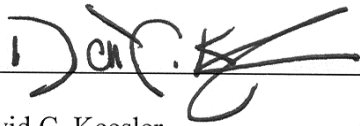
The pending discovery motions are now ripe for review and disposition. After considering the motions and the record, the undersigned is not persuaded that there is sufficient good cause to allow either motion and re-open discovery.

IT IS, THEREFORE, ORDERED that “Defendant City Of Charlotte’s Motion For Leave To Take Deposition And Other Discovery Of Marlene Knowles” (Document No. 81) and

“Plaintiff’s Motion To Extend The Discovery Deadline And For Leave To Issue Subpoenas Duces Tecum” (Document No. 83) are **DENIED**.

SO ORDERED.

Signed: July 1, 2016



David C. Keesler
United States Magistrate Judge

